

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2018

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.25918 of 2018

P.Chandrasekaran

...Petitioner

Vs.

1.State represented by
Inspector of Police,
Commercial Crime Investigation Wing,
Chennai-600 053.

2.G.Kumar

... Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the F.I.R. registered in Cr. No.184 of 2012, by the 1st respondent Police in sofar as it relates to the petitioner is concern and to quash the same.

For Petitioner : Mr.J.Muthukumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for
R1

ORDER

This petition has been filed seeking to quash the FIR in Crime No.184 of 2012, pending on the file of the first respondent.

2.The FIR was registered against the petitioner and four others for an offence under Section 6(4) of TNSC (RDSC) Order 1982 read with Section 7(i)a(ii) of Essential Commodities Act, 1955. After the FIR was registered in the year 2012, there has been absolutely no progress in the investigation.

3.The learned counsel for the petitioner brought to the notice of this Court, the earlier order passed by this Court, under similar circumstances, wherein this Court had quashed the

FIR. The relevant portion of the order is extracted hereunder:

"2. Based on an inspection conducted in the year 2010, the petitioner herein has been arrayed as an accused for having misappropriated a sum of Rs.21,903.85/-. Hence, FIR has been registered against him on 20.05.2010 for offences under Sections 6(ii) and 6(iii) of TNSC (RDSCS), order 1982 r/w 7(i) a (ii) of Essential Commodities Act, 1955.

7. I am unable to comprehend as to how the respondent police would be justified in keeping the investigation pending for a period of more than seven years. Apart from that, it is also seen that the petitioner was placed under suspension, in view of the pendency of the criminal proceedings. Furthermore, he had been anticipating the out come of the final report of investigation for more than seven years. In the mean time, he also retired from his service. The inordinate delay in completing the investigation would have certainly caused serious prejudice to the petitioner herein. On this sole ground the petitioner would be entitled to succeed.

8. In view of the laches on the part of the prosecution to complete the investigation within a reasonable time, I am of the view that no justification can be established, if the respondents herein are permitted to file a final report/charge sheet, at this belated stage. Hence, the criminal original petition stands allowed. The proceedings in Crime No.291 of 2010, on the file of the Inspector of Police, Civil Supplies CID, Chennai, is hereby quashed. Consequently connected miscellaneous petition is closed."

4. The learned counsel for the petitioner would submit that due to the pending FIR, the petitioner has not been permitted to retire and he is facing undue hardship in this case.

5. The learned Additional Public Prosecutor would submit that the offence is under the Special Act and on the ground of delay in the investigation, the FIR should not be quashed. Therefore, the learned Additional Public Prosecutor would submit that the respondent police should be permitted to investigate the case.

6. There is absolutely no justification on the part of the first respondent to have kept the FIR pending from the year 2012, without any progress. The petitioner has suffered enough due to the pending FIR and he has not been permitted to retire and all of his retirement benefits have been stalled. An

inordinate delay in completing the investigation resulted in seriously affecting the rights of the petitioner. The judgment that has been referred supra will squarely apply to the facts of the present case. There is no justification in keeping this FIR pending at this belated stage.

7. In the result, the FIR in Crime No.184 of 2012, pending on the file of the first respondent insofar as the petitioner is concerned, is hereby quashed and the Criminal Original Petition is allowed.

ia/nmm

Sd/-

Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

To

1. The Inspector of Police,
Commercial Crime Investigation Wing,
Chennai-600 053.

2. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.J.Muthukumar, Advocate, S.R.No.79726

CRL.O.P.No.25918 of 2018

SSD(CO)

KAK (18/12/2018)

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